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June 17, 2014

Mr. Londell Pease
Dept. of Planning and Econ. Development
1800 W. Old Shakopee Road
Bloomington, MN 55431-3027

Re: Land Use Applications (Conditional Use Permit/Variance): 9604/9608 Humboldt Avenue South; Our File #22,543-01

Dear Londell:

As you are aware, we represent Robert Schoenborn, the owner of 9604 and 9608 Humboldt Avenue South (together the "Property"), in the City of Bloomington (the "City"). On behalf of Mr. Schoenborn, please accept this letter as the required documentation to accompany the applications for a Conditional Use Permit (CUP) for open storage as the primary use of the Property under City Code Section 19.33(d)(5); a temporary variance to the surfacing requirements under City Code Section 21.301.06(c)(D); and a final site plan.

Project Scope

The north parcel of the Property (9604 Humboldt Ave. S.) is currently operated as open storage, and was granted a CUP for storage in 1975. The south parcel (9608 Humboldt Ave S.) is a vacant unimproved lot. Both lots are zoned with the I-3 District. The proposed use of the Property is open storage for motor vehicles, construction equipment, and other items. The project will require a re-grading of the site to establish a level grade between both parcels and to comply with the stormwater requirements of the City and Nine Mile Creek Watershed District. The open storage will be screened to exceed the requirements of the City ordinance through a combined berm and solid fence along 96th Street W. and Humboldt Avenue S. There will be no structures on the site. We anticipate that all site improvements, with the exception of the blacktopping, will be completed within 24 months. The estimated schedule for commencement of the use is immediately following CUP approval, no later than August 2014. The anticipated hours of operation will be 24 hours per day; and anticipated employment will be variable.

Surfacing

A variance application is being requested to allow a phased surfacing plan for the Property over a period of six (6) years. There will be three (3) two-year phases, each requiring paving of approximately a third of the Property. The need for the phased surfacing is discussed below.

Screening

Notwithstanding City Code Section 19.52(d)(1)(D), which exempts outdoor storage of materials and equipment in the I-3 district where there is no adjacent residential use or zoning, the proposed use will be screened with an eight (8) foot fence on top of an approximately three (3) foot berm, for a total of eleven (11) feet above the curb height on average. It is anticipated that the proposed screening will sufficiently screen the majority of the storage on site. However, at times, certain equipment will exceed eleven (11) feet in height.

Conditional Use Permit

Open storage is a conditional use in the I-3 District under City Code Section 19.33(d)(5). The proposed use meets the required CUP findings of City Code Section 21.501.04(e)(1-5) as follows:

1. The proposed use is not in conflict with the Comprehensive Plan. The Comprehensive Plan designates the Property and the surrounding area with the industrial future land use designation. The proposed open storage use is consistent with the Comprehensive Plan's policies and industrial future land use designation.
2. The proposed use is not in conflict with any adopted District Plan for the area, because the Property is not located within an adopted District Plan area.
3. The proposed use is not in conflict with City Code provisions. The proposed open storage use of the Property is consistent with the requirements of the I-3 District and, as proposed, will exceed the required screening requirements for storage uses in the I-3 District. The proposed phased surfacing plan will require a temporary variance to the surfacing requirements to allow surfacing improvements over the period of six (6) years. However, after the sixth year, the surfacing will comply in all respects with the City Code.
4. The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development. The proposed use will be a continuation of the existing open storage use on the north parcel, which has been in operation for over 40 years, and the proposed use is not likely to have any burden on parks, schools, streets, or other City infrastructure. Moreover, because the proposed use will bring the Property into compliance with the City's stormwater requirements, the burden on the City's storm sewer infrastructure will be substantially reduced.
5. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The Property is surrounded by industrial uses on all sides. The Property will be lighted and secured to comply with the City's requirements and the use will not be injurious to the surrounding neighborhood or be detrimental to the public health, safety, or welfare.

Variance Application

The proposed variance will allow a phased surfacing plan to pave the parking area on the Property in three (3) separate phases over the period of six (6) years. The phased surfacing is necessary because the heavy equipment, and materials stored on site will result in an advanced rate of pavement degradation. By phasing the initial paving, each portion of the Property will require maintenance at different times. As maintenance is required of the separate portions of the Property, the equipment can be relocated on-site. If the phased surfacing plan is not approved, maintenance will require removal of equipment and vehicles to off-site locations.

1. The variance is in harmony with the general purposes and intent of the ordinance. The variance will permit a phased surfacing plan that will allow the efficient phased maintenance of the Property. After initial surfacing, subsequent periodic maintenance of the site can occur at separate times and the equipment can be shifted internally, thereby reducing off-site impacts. The proposed variance is harmonious and consistent with the general purposes and intent of the ordinance.
2. The variance is consistent with the Comprehensive Plan. The Comprehensive Plan designates the Property and the surrounding neighborhood with the industrial future land use, the most intense land use designation in the City. The open storage use is consistent with the intent the Comprehensive Plan's future guidance for the Property.
3. Practical difficulties existing in complying with the zoning ordinance. The phased surfacing plan is the initial step of a comprehensive multi-year phased maintenance plan. Given the weight and movement of industrial vehicles stored and operated on-site, the pavement will degrade rapidly. The high rate of wear and tear will require a multi-year maintenance plan that will necessitate repairs to the parking surface on an ongoing basis. This routine maintenance will require temporarily shifting equipment and materials to a separate area of the site, without the need for off-site storage during maintenance. In addition, the City Code describes the following factors as relevant to the existence of practical difficulties:
 - a. The Property owner proposes to use the Property in a reasonable manner not permitted by the zoning ordinance. The proposed use of the Property is a continuation of the existing open storage use on the north parcel that has been in existence for more than forty (40) years without paving. The open storage use, and the proposed variance to allow a six (6) year phased surfacing plan, is a reasonable use of the Property. The proposed use is reasonable given the Property's location, future land use designation, and the I-3 District zoning.
 - b. The plight of the landowner is due to circumstances unique to the Property not created by the landowner. Open storage use is a difficult use to establish due to potential conflicts with nearby uses. However, the north parcel of the Property has been used for open storage use for over forty (40) years, making the Property uniquely suitable for open storage. As discussed above, the heavy equipment that is currently stored on the Property, and has been for over forty (40) years, will

rapidly degrade the pavement that is required by the City Code, and will require ongoing periodic maintenance.

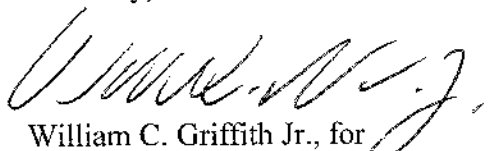
- c. The variance if granted will not alter the essential character of the locality. The Property is located in a heavily industrial area. A portion of the Property has been operated as an open storage use for over forty (40) years. Moreover, because the proposed screening will exceed the requirements of the ordinance, which exempt screening of storage in the I-3 District, the entire storage will be screened from public view. The variance will not alter the essential character of the locality.

The above narrative and findings are intended to suffice as the written documentation to accompany the land use applications. In addition, please find the following attached materials:

1. Completed application form;
2. Three (3) complete plan sets;
3. Conditional use permit application fee of \$880;
4. Variance application fee of \$610; and
5. Final site plan application fee of \$660.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,



William C. Griffith Jr., for
Larkin Hoffman Daly & Lindgren Ltd.

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Enclosures



Memorandum

To: Londell Pease
From: William C. Griffith
Date: June 17, 2014
Re: Chief's Towing: Phased Surfacing Plan

To accommodate the phased surfacing plan as discussed in the submittal letter, the surfacing of the property located at 9604 and 9608 Humboldt Avenue South will occur in three phases as follows:

1. Phase 1 (2 years): The area identified as "Proposed Blacktop" on the Proposed Site and Grading Plan will be blacktopped, as well as the driveways accessing the property from the right of way. This area accounts for approximately 1/3 of the entire storage area. During Phase 1, the stormwater improvements, landscaping, and screening will be installed and the remaining 2/3 of the storage lot area will be maintained with a dustless, all-weather surface consisting of Class 5 gravel.
2. Phase 2 (2 years): An area consisting of approximately 1/3 of the storage area, contiguous with and immediately west of Phase 1, will be blacktopped. The remaining 1/3 of the storage lot area will continue to be maintained with a dustless, all-weather surface consisting of Class 5 gravel.
3. Phase 3 (2 years): The remaining approximately 1/3 of the storage lot, immediately west of the area surfaced in Phases 1 and 2 and adjacent to the stormwater retention pond, will be blacktopped. At this time, the entire storage lot will be surfaced with blacktop and in compliance with the surfacing requirements under the City code.